

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESale PRICE  
LITIGATION

)  
) MDL NO. 1456  
) Civil Action No. 01-12257-PBS  
) Subcategory No. 03-10643

THIS DOCUMENT RELATES TO:

*The City of New York, et al.*

v.

*Abbott Laboratories, Inc., et al.*

)  
) Judge Patti B. Saris  
)  
)  
)  
)

**MAY 2012 STATUS REPORT ON BEHALF OF  
THE CITY OF NEW YORK AND NEW YORK COUNTIES**

The undersigned counsel for the City of New York and New York Counties in the above-captioned action (hereinafter referred to as “plaintiffs”) hereby submit the attached Status Report for May 2012, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: May 2, 2012

Respectfully submitted,

**City of New York and New York Counties in  
MDL 1456 except Nassau and Orange, by**

**KIRBY McINERNEY, LLP**  
825 Third Avenue  
New York, New York 10022  
(212) 371-6600

By: /s/ Joanne M. Cicala  
Joanne M. Cicala

Ross B. Brooks, Esq.  
MILBERG LLP  
One Pennsylvania Plaza  
New York, NY 10119  
(212) 594-5300  
*Special Counsel for the County of Nassau*

Theresa A. Vitello, Esq.  
LEVY PHILLIPS &  
KONIGSBERG, LLP  
800 Third Avenue  
New York, NY 10022  
(212) 605-6205  
*Counsel for the County of Orange*

**May 2012 Status Report on Behalf of the  
City of New York and New York Counties**

**Settlement Orders of Dismissal**

On February 16, 2012 the court entered plaintiffs' and defendants' third joint motion to extend the settlement order of dismissal as to King Pharmaceuticals Inc., King Research and Development, Monarch Pharmaceuticals Inc., Par Pharmaceutical Companies, Inc., Par Pharmaceutical Inc., Roche Laboratories Inc., and Hoffman-La Roche Inc. The order provides that claims against these defendants shall be dismissed without costs and without prejudice to the right of any party, upon good cause shown, to reopen the action by May 3, 2012 if settlement is not consummated. *See* the Court's February 16, 2012 Electronic Order.

**CERTIFICATE OF SERVICE**

I, Kathryn B. Allen, hereby certify that on the 2<sup>nd</sup> day of May 2012, I caused a true and correct copy of the above May 2012 Status Report for the City of New York and New York Counties to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: May 2, 2012

/s/ Kathryn B. Allen  
Kathryn B. Allen  
Kirby McInerney LLP  
825 Third Avenue  
New York, NY 10022  
(212) 371-6600